

REMARKS

The Office Action mailed March 4, 2008 has been given careful consideration by the applicants. Claims 1-16 remain in the application; claims 17 and 18 are new. Claims 1, 7-8 and 14 have been amended. Reexamination and reconsideration of the application is respectfully requested in view of the comments and amendments herein.

The Office Action

The Examiner rejected claims 1-8 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

The Examiner rejected claims 14 and 16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

The Examiner rejected claims 1-2 and 4-16 under 35 U.S.C. §103(a) as being unpatentable over *Ye et al.* (U.S. 7,171,190).

The Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over *Ye et al.* in view of Uchida (7,072,359).

The Claims Patentably Distinguish Over the Cited Documents

The Examiner rejected claims 1-8 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. This rejection should be withdrawn for at least the following reasons. The subject claims have been amended to cure these minor informalities, rendering Examiner's rejection moot. Accordingly, this rejection should be withdrawn.

The Examiner rejected claims 14 and 16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention. It is respectfully requested that this rejection be withdrawn for the following reasons. Claims 14 and 16 have also been amended to cure the minor informalities. Accordingly, this rejection should be withdrawn.

The Examiner rejected claims 1-2 and 4-16 under 35 U.S.C. §103(a) as being unpatentable over *Ye et al.* Applicants respectfully request that this rejection be withdrawn for at least the following reasons. *Ye et al.* fails to disclose or suggest the claimed subject matter.

The claimed subject matter relates to supporting messaging between SMS subscribers and IM subscribers. In particular, independent claim 1 recites *a first network element including a first destination parser module operative to analyze destination data of an SMS message to determine if the destination data of the SMS message is a telephone number*. Claim 1 also recites *a second network element including a second destination parser module operative to analyze destination data of an IM message to determine if the destination data of the IM message is an e-mail address*. Ye *et al.* fails to disclose or suggest either of these claimed aspects.

Ye *et al.* appears to relate to automatic device selection and content conversion for given devices. A selected recipient is associated with a given number of devices by the message delivery system. The selected recipient of a message is assigned a unique identifier by the message delivery system, and the message is then disseminated to all devices associated with the recipient's unique identifier.

Although Ye *et al.* relates to message delivery, the cited reference fails to disclose or suggest *a first network element including a first destination parser module operative to analyze destination data of an SMS message to determine if the destination data of the SMS message is a telephone number*, or *a second network element including a second destination parser module operative to analyze destination data of an IM message to determine if the destination data of the IM message is an e-mail address*. Instead, the cited reference determines a unique identifier based on the message, which does not require a determination of whether the destination data of the SMS message is a telephone number (or an email address). Accordingly, the cited passages fail to disclose or suggest *a first network element including a first destination parser module operative to analyze destination data of an SMS message to determine if the destination data of the SMS message is a telephone number*, or *a second network element including a second destination parser module operative to analyze destination data of an IM message to determine if the destination data of the IM message is an e-mail address*, as claimed.

Furthermore, the Examiner argues that Ye *et al.* discloses parsing a message and that it would be obvious to parse destination data, as claimed. However, it is submitted that the cited reference does so not render the subject claims obvious. Ye *et al.* appears to disclose a system that allows a recipient to specify a plurality of

devices at a central location. The destination data of the message is irrelevant to determine the type of message (i.e. telephone number). Instead, the destination data is used by the cited reference to determine the *identity* of a recipient and the message is then forwarded to the appropriate recipient. Thus, in the final analysis, the fact that the data is used for a different purpose than the subject claim may lead one to conclude that the cited reference teaches away from the claimed subject matter.

Independent claim 9 recites a method comprising ***analyzing the destination data to determine if the destination data is a telephone number***. Independent claim 13 recites a similar claimed feature. As noted above, the cited reference may determine a unique identifier of the recipient, but does not determine if the destination data is a telephone number. Thus, the cited reference fails to disclose or suggest the claimed subject matter.

Moreover, independent claim 11 recites ***analyzing the destination data to determine if the destination data is an e-mail address***. Claim 15 recites a similar claimed feature. For the reasons noted *supra*, the cited reference fails to disclose or suggest any type of determination, except for the purpose of determining a unique identifier of the recipient. Thus, the cited reference fails to disclose or suggest ***analyzing the destination data to determine if the destination data is an e-mail address***, as independent claims 11 and 15 recite.

Dependent claim 17 also recites ***the first network element being operative to access a subscriber database to determine whether a user subscribes to a service provided by the first network element***. Claim 18 recites a similar feature. The cited portions of *Ye et al.* fail to disclose or suggest the subject claim.

Although *Ye et al.* appears to relate to message formatting, the cited portions of *Ye et al.* fail to disclose or suggest any determination of whether a user subscribes to services provided. Accordingly, the cited portions of *Ye et al.* are silent with regard to ***the first network element accesses a subscriber database to determine whether a user subscribes to a service provided by the first network element***, as claimed. Accordingly, it is respectfully requested that this rejection be withdrawn.

Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over *Ye et al.* in view of *Uchida*. This rejection should be withdrawn for at least the following reasons. Claim 3 depends from independent 1, and *Uchida* fails to make

up for the aforementioned deficiencies of Ye *et al.* with respect to independent claim

1. Accordingly, it is requested that this rejection be withdrawn with respect to claim
- 3.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-18) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone Joseph D. Dreher, at (216) 861-5582.

Respectfully submitted,

Fay Sharpe LLP

September 4, 2008

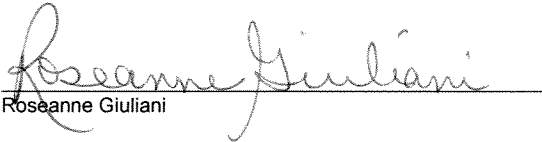
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